

the Ober law. It covers this entire field of subversive activity.

This law came before the court on the question of whether or not it was constitutional. The lower court held it was not constitutional.

I know. I wrote that opinion.

The case then went to the Court of Appeals, and the Court of Appeals decided there was no justiciable issue before it, because nobody had been hurt in any way. Two ladies working at the Enoch Pratt library had decided they would not take this oath and had resigned, but nobody had been hurt. And the Court of Appeals said, "We will not pass on this question."

The Supreme Court, on a writ, refused to hear the matter. Thereafter the United States, through the Congress, passed what is known as the Smith Act, dealing with the entire subject of subversives and subversive activities. The Smith Act then was held to be pretty generally pre-emptive of this entire field.

In the nineteen years that have elapsed since that decision by our Court of Appeals we have had one, sometimes two members of the attorney general's office acting in this field. There has never been an arrest in the State of Maryland, nor has anybody ever been charged with violating the Ober Act.

Recently one of the professors brought to Maryland refused to take the oath, and the United States Supreme Court had before it, not the original oath under the Ober Law, but a modification, which the attorney general had attempted to work out, based on decisions heretofore handed down by the Supreme Court.

THE CHAIRMAN: You have one-half minute, Delegate Sherbow.

DELEGATE SHERBOW: And under those circumstances, the oath could not be required.

As strongly as all of us feel on this subject that we do not want to be in favor of people who want to overthrow the government, this is still not a provision that belongs in the constitution. The legislature has acted. If they can find a way to act again, you and I know that they will; and this is the way to meet this particular problem, when and if it arises.

This, as it now reads, will accomplish absolutely nothing. Therefore, I shall vote against the amendment.

THE CHAIRMAN: Is there any other discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 7 to Committee Recommendation R&P-2.

A vote Aye is a vote in favor of Amendment No. 7. A Vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 17 votes in the affirmative and 92 in the negative, the motion is lost. The amendment is rejected.

The Chair desires to correct the record in one particular which has been called to my attention.

Delegate Sickles, would you please get before you Amendment 6 and your modification?

The Chair read the modification as striking out all of lines 24, 25 and 26.

I assume you intend also to strike the word "the" in line 23?

DELEGATE SICKLES: That is correct.

THE CHAIRMAN: May we consider that a modification?

DELEGATE SICKLES: You may, Mr. Chairman.

THE CHAIRMAN: Is there any objection?

Amendment 6 is corrected to read accordingly; strike out the word "the" in line 23.

The Chair would like to move on, but I believe the next amendment is one that may take some time in discussion or explanation, and therefore the Chair regretfully recognizes Delegate Powers.

DELEGATE POWERS: Mr. Chairman, I move the Committee of the Whole rise and report it has not yet completed consideration of Committee Recommendation R&P-2.